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# **THE LEGAL CLINIC OF THE AUTONOMOUS METROPOLITAN UNIVERSITY (BUFETE JURIDICO UAM)**

Ana Maria Conesa Ruiz\*

In order to explain the meaning and importance of the kind of work we do at this clinic, it is necessary first to situate our action in the present moment of our country and especially in the context of the teaching and practicing of law. This is the best way to understand our function and objectives.

Next, I will discuss the antecedents of the creation of the clinic, its objectives and policies, and finally I will evaluate briefly our four years of operations. I hope that this panoramic view of our work will allow our colleagues from other countries to understand what we do and why we do it - strengthening, in that way, the solidarity among all those who work in these kinds of activities.

## **I. Mexico, Now**

At present we are living in an economic crisis in Mexico. It has different expressions: a) continually rising prices of basic goods and services; b) low salaries; c) unemployment and underemployment; d) high rents; and e) high prices of houses. These economic conditions have generated different kinds of uneasiness. That is why the government has implemented harsh and unrelenting policies against the workers and the rural poor in order to keep them under state control, but at the same time favoring domestic and foreign capital.

This situation has influenced university life: it has promoted the creation of private universities while the public ones have suffered economic restrictions. As a result of this, higher education has become more elitist.

The above circumstances are worse in the teaching of law, which traditionally, even at the public universities, has been geared to produce

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attorneys who will serve mostly upper class interests. In a general way we could say that, in Mexico, there are few lawyers willing to serve the interests of the poor.

The University where the clinic is located (Universidad Autonoma - Metropolitana-UAM - with 4,000 professors and 36,000 students) was created in 1974 because of the inability of the National University to handle the increasing number of students, and also because of the desire to develop professions different from the traditional ones, and with the aim of looking forward to address national problems and needs. The original project established, too, the importance of taking a new approach to the existing professions. The university's slogan: "*Casa abierta al tiempo*" (House open to time) expresses the desire to develop new and more flexible ways of teaching, opening the university to the different alternatives of intellectual work.

The Law School (with 900 students and 110 professors) has absolutely modified the traditional program of law studies. We try to teach how law is superstructural knowledge which reflects the economic and social situation of a country. We also show our students how the legal system of any country can be truly a mechanism of control and repression. Accordingly, we try to generate in the Law Faculty what we have called an "alternative use of law," different from the traditional use of this discipline which has been geared to preserve the establishment. We criticize the values which underlie the existing law, and working collectively, we try to demonstrate how this law could also be used to support the actions and struggles of poor people.

In order to achieve the above purposes, the Law School had to develop several strategies. Most of them have not been very easy to bring into practice, given the prevailing circumstances in this field. For example, it was necessary to engage competent and responsible teachers with a different point of view regarding the role of law in our society, teachers who have experience in critical examination of the existing law. It was also necessary to generate a new approach in the university regarding intellectual inquiry. This academic approach ought to be able to show, on the one hand, the values which underlie this view of law, and, on the other hand, this activity must find solutions for the serious economic and social problems of our country.

The newly-developed program addressed the need to train lawyers not only to handle all those problems, but also to be conscious of the role of law as a mechanism of social control. Because of this approach, students of the Law School showed an interest in the University developing practice experiences more representative of the ethos of the Studies Pro-

gram. Furthermore, many people from poor neighbourhoods asked the Law School to provide legal services. Therefore, a group of law teachers presented to the University Board a proposal for the creation of a legal clinic able to provide legal assistance and representation to the poor people of the community surrounding the campus, as well as to other poor people in the metropolitan area in Mexico City.

Significantly, the section of the University upon which the Law School depends is located in the Mexico City quarter called Azcapotzalco, which is a very poor one. It is generally considered to be the country's second industrial zone, but surrounding it are large "misery areas" characterized by poor lodging and irregular human settlements.

These conditions produce a high rate of delinquency, serious land problems and, obviously, a great many medical problems. For these reasons, it might be said that Azcapotzalco is very representative of our troubled country.

Central to UAM's original model is the idea that the location of its three sections, or Units (all of them in Mexico City) must be in locations with these kinds of problems, with the aim to reflect the University's works in these areas. Despite this, there were no programs in the Azcapotzalco Unit until 1981; the Bufete Project was thus finally accepted by the University Board in June 1981.

We believed then and we still believe that this program will provide law students with meaningful contacts with the poor and give them a realization of the poors' profound lack of access to legal resources. The objective has been to complement theoretical university studies with the practicing of "real" law, and in this way to enable the students to understand the historic function of law as a repressive mechanism and its potential for reform in the future.

In Mexico legal studies are especially theoretical. Those who are graduated from law schools are not really trained for law practice. Therefore, the idea of the clinic gains significance because it would give to law students not only a chance to perform effective social service, but also to increase their knowledge by developing a practice guided by the university teachers themselves in a value-oriented environment.

The global intention of our activity in the Clinic could be described according to two wide objectives: a) the development of an "alternative" method of law practice; and b) what we call the "socialization" of legal education, or the sharing of knowledge of law.

The first of these is geared to give legal assistance to poor people, not only by advising them, but also by representing them and litigating their cases in courts.

In this field, we try to generate honest and high quality professional work. This particular objective becomes very important in our country, because of the endemic corruption existing in courts and bureaucracies. Many Mexican lawyers are dishonest and they use their profession to become rich and powerful, without caring about the exploitation of their clients. That is why in Mexico the legal profession is considered by many to be untrustworthy.

On the other hand, we have the opposition groups, who generally think that, as law serves only for the protection of private property, there is no justification for interest in its study and management. In a general way it could be said that the attitude of these groups is that it would be better to destroy existing law rather than learn it. In this polemic those in support of the "alternative" approach say, as other groups do, that if we really want to serve poor people we have to handle, as well as we can, existing law, in order to protect our clients. But we also think that we have to work with the most serious critics (who would destroy the system) in order to discover the real role of law in our country, by making everyone conscious of how law is, as we have said, a mechanism of suppression and control which blocks access to real social justice in our country.

By pursuing these goals and facing the dishonesty which characterizes much litigation in Mexico (and because of the improvisation of those who try to help poor people without knowing how to handle existing law) we try to give a new meaning to our profession by making our students conscious of the poverty and legal needs of the majority of the population, and by showing them how it is really possible to successfully and honestly conduct litigation. We address almost all our efforts to train what we call a "new type of lawyer."

The second of our objectives concerns the goal of sharing the knowledge of law. The basic idea is founded in the recognition that, without sharing, law in our society is an instrument of power, used only by those persons who participate in University programs.

We realize how a lack of awareness and the inability of poor people to protect their rights generate a dependency relationship between poor people and their lawyers. This gives to these legal professionals great power allowing them to exploit their clients, taking advantage of the latter's lack of knowledge, resources and self-confidence.

Accordingly, we have elaborated a document called "Program of Legal Education for Poor People," which establishes several methods to develop the sharing of law with all those people who have not been taught their own rights and to train "para-legal lawyers," who may take on the

legal representation of the people of their communities or of their unions or neighbourhood associations.

This program has not been developed due to the lack of colleagues able to and interested in dedicating their efforts to this kind of work. However, we try, in our daily activity, to accomplish a certain amount of public education. It is what we call "self defense" practice. The meaning of this slogan is that, throughout our professional activities, we should explain to our clients as effectively as we can the way we are going to undertake their representation; teaching them as thoroughly as possible the meaning of each activity, making them conscious, in each proceeding and with respect to each decision and outcome, of the function and impact of law. Sometimes, we also ask them to undertake by themselves some easy proceeding in order to make them lose their timidity and their lack of self-confidence.

We think that in this way we are really performing an educational service and are also breaking the dependency relationship which exists between lawyers and poor people, which is one of the things that give more power to these professionals and which have led to corruption in legal practice.

## **II. THE LEGAL CLINIC**

### ***A. OPERATION AND ORGANIZATION***

The Clinic is divided into six sections which are dedicated to the following matters: Criminal Law, Property Law, Labour Law, and Family Law. In these four we give legal counseling and conduct litigation. The other two sections are dedicated, one to the analysis and systematization of all our procedures, and the last one, called "Legal Education for the Public," is geared to organize and coordinate the teaching of law to poor people.

Each one of these sections has specific objectives which will be discussed in turn.

#### **1. CRIMINAL LAW SECTION**

Here we give our legal services to those who are victims or accused of almost all the crimes laid down in our Criminal Code. In this work we try to ensure the respect of Constitutional guarantees. If our client is really guilty, we recommend that our section obtain a judgment with the minimum sentence possible, as we believe that our Criminal System does not reform people. Only in some types of crimes (when our client is

prosecuted for rape, torture, or sale of drugs), do we refuse to take up the case. This is due to the political position of the clinic's staff.

The types of cases which we most frequently face here are those involving homicides arising out of quarrels, robberies, assaults and all the other types of delicts characteristic of a society in crisis.

## 2. PROPERTY LAW SECTION

We address our efforts in this section towards obtaining the respect of the right of all the people in our country to live in suitable housing. We fight against those landlords who try to take undue advantage of their lessees. We also try to obtain the improvement of the unhygienic conditions in our client's homes. Here we also develop the procedures necessary to clear title to land on which poor people's houses are situated.

## 3. LABOUR LAW SECTION

In this office we give legal assistance and representation to all kinds of workers: those in the public sector (including bureaucrats) or in private enterprises.

Our principal objective here is to obtain the respect of the "right of worthy employment for all the Mexican people," which is established in our Constitution, but in practice not respected.

Almost always, in the litigation of cases, we seek the reinstatement of the worker, rather than economic indemnity. We do this because one of the worst problems in our country is the lack of secure employment for most people. The small amount of indemnities paid by the companies to those workers they improperly terminate does not enable them to meet their economic needs. Continued employment is a much more desirable solution.

## 4. FAMILY LAW SECTION

Here we give our services to couples who want to get divorced and also to those women who have been left by their husbands and who do not receive money or other kind of support from them for their children.

In Mexico the high number of abandoned women and children is a very serious social issue. In order to help them to overcome this situation, we try to make women conscious of their situation in a male-dominated society and of the way they are exploited.

Our main objective is to serve and ameliorate the condition of the children, who are those most harmed by these problems and the least responsible for them.

## 5. RESEARCH, CONTROL AND STATISTICS SECTION

Our activity in this section is geared to the compilation and analysis of all of the legal information that we use in our daily work, especially that which is generated in all our procedures.

The aim here is to organize all this information in order to be able to determine in a general way the policies of the courts as they apply at any given stage of the legal process and also the judicial determinations. Generally we also perform qualitative and quantitative analyses of all the cases we have in the Clinic.

This information is sent to the Law School in order to be used by the professors in their law classes, so the students can learn from real cases and have enough details to observe the actual operation of existing law. They will also perceive how legal proceedings are much more protracted than the law provides and further how the decisions are not always as fair as the law pretends.

## 6. PUBLIC EDUCATION SECTION

Here we try to put into practice our program of legal education for poor people. The goal, as I have already mentioned, is to provide these people with this kind of knowledge in order to enable them to understand their rights to essential legal resources, and to know how to press claims against public and private centers of power. We believe that this can be accomplished through courses given by the law professors and students who collaborate in the clinic. Another of our planned techniques to reach our objective in this matter is the production of educational material (handbooks, pamphlets, pictures, etc.) which we believe will strengthen the actions of these people.

One of our most important aims here is to develop what we have called the "self defense habit," in order to break the dependency relationship of poor people on their advocates. Unfortunately we have not put completely into practice the first two techniques, due to the lack of colleagues ready to do this kind of work.

### *B. THE CLINIC'S POLICIES*

#### 1. CAREFUL SELECTION OF OUR ADVISERS

By careful selection we try to guarantee the professional quality and the honesty of all of our collaborators. We also try to choose those who have a critical view of the function of law in our system. Since they must also be law professors (all of us are supported by the University), it is

not easy to find this kind of person with the background required but also with enough sensibility to deal with all the problems involved. It is indeed one of our most important challenges.

## 2. CAREFUL SELECTION OF CASES

Even though our activity from the beginning has been geared only to the poor, we have to establish other kinds of limits in order to reach our principal objectives.

The first of these limits is related to the kinds of cases we are able to accept. Several of these have been mentioned above. For example, we do not represent land or house owners or owners of small factories, even if they could not be characterized as rich people. In the criminal section we do not represent people accused of rape, torture, etc. While the nature of the cases taken is important, the principal limit we have established is that related to the *number* of cases we take. The quantitative factor relates to our aim of giving the best possible legal service to all our clients; this would not be possible if we did not have numerical limitations on the caseload. Therefore, we have decided to accept only ten litigated cases for each lawyer. In Mexico City, with its great distances, it is really impossible effectively to litigate more than ten cases at the same time. This limitation does not apply to those cases which do not require representation at courts, i.e., those that involve only legal advice. Here we do not have any limit.

We believe that the above policy has been responsible for the success of our first four years of activity. Many law clinics at other Universities have failed after a few months of life, because they took on too much work and were unable to cope with it. Because of this overload their services deteriorated and, finally, they had to close.

In our large, undeveloped country there are a great many legal needs, but as one office is rather insufficient to satisfy all needs, we have preferred to give quality services to a limited clientele rather than services to many.

## 3. PERMANENT PROFESSIONAL TRAINING OF THE STAFF

Important to our program is the provision of professional training to our staff. We accomplish this through periodic workshops, seminars, courses, etc., where we discuss the strategy for the most difficult cases and where we learn more of the legal techniques required in our work. Here we also point out and discuss the improvements that can be made in our legal codes.

By this training we aim to reproduce, but with different emphasis, one of the most common policies of important law firms, that which is geared to the professional development of their lawyers. In so doing we disagree with those opposition groups and political parties that refuse to learn law because they think that the capitalist legal system must be destroyed. We also believe that the system must be destroyed, but, as we have said above, we think that at the present time we must use existing law to strengthen people's struggles. Accordingly, we must teach this law to poor people.

By an in-depth study of the different codes, we will also be able to develop what we have called the "alternative use of law." This means finding out the law's contradictions, and also its lacunae in order to show poor people the nonsense of these instruments and how the legal system of our country does not take care of the most important needs of the population. In this way we also demystify law, and develop certain proceedings which will allow us to bring popular actions. We thus try to use existing law as thoroughly as possible to support poor people's struggles, but we always make the poor conscious of how that same law limits their own improvement.

#### 4. EFFICIENT ADMINISTRATIVE ORGANIZATION

Efficient administrative organization will allow us to reach the following objectives:

- a) The development of a procedures control system which will bring about an effective coordination of the advisory and litigation services in order to enhance our functions. This means a detailed control of audiences, of legal terms, and of all kinds of activities related to litigation.
- b) The analysis and planning of cases, which enable us to connect our practice with teaching and academic research.

### III. CONCLUSION

All of the above ideas have characterized and supported our activity in our short but rather successful life. The way has not been very easy; neither will be our future. There are several things that prevent us from reaching our principal objectives.

For example, it is very difficult to find lawyers with the characteristics we have already described. This is due to the approach to legal education in almost all of our law schools. As we have said, it is abstract and far removed from the concrete demands of society. The professionalization process is alienating and results in the elitist orientation of lawyers. The

education of these professionals is generally not geared to the deep aspirations of the majority of the population. Therefore, it is not easy to compose a complete staff of lawyers (about 15) who are really interested in social problems, and who have the sensibility required to understand the legal needs of poor people and the training to undertake this kind of legal counselling and litigation. Furthermore, the greatest difficulty is to find lawyers who will accept only a university professor's salary, rather than pursue the high incomes available in private practice or in the government bureaucracy.

Beyond these difficulties, we also have financial problems. The University only pays our salaries and provides a very basic office, but there are litigation fees and other incidental expenses. In this respect, we have decided that our clients must cover these charges. We think that in this way we will be able to cope with these problems and also fight against paternalistic actions which make people less responsible for their own needs. However, the financial problem and the lack of resources generally remains an important issue.

We also feel that our activities are too narrow in scope. Addressing legal needs alone is not enough to solve the profound problems we have to face, such as divorces, children and women abandoned, abused, etc. When we face these cases we would like to have on our team not only lawyers, but also psychologists, sociologists and others, in order to perform more effectively and to better understand our reality. Unfortunately, we are as yet unable to solve this problem as well as the others mentioned.

However, in the University, the "Bufete" experience has been a very interesting one: we have given the students a concrete chance to study and approach the practice of law, and also to make real contact with the legal needs of poor people. This contact with the poverty of the majority of the population might possibly change the orientation of their professional lives and, if it does not, they will, at least, have received a different training from that of those lawyers who have never had this experience.

With this kind of work we have also generated a new kind of knowledge of law. We have produced educational material useful for law classes, where we try to explain legal concerns in an easy way, and we have also shown through our work the shortcomings and contradictions of many laws in our country.

Finally, for all of us, it has been a rich experience from which we have learned very much, because all of us have been trained in traditional legal education, too. We have also become conscious of the social problems of our country. But most of all, we have learned a lot about our clients, of their poverty, but also about their day-to-day courage.

There is still a long way to go for all of us who really believe in a better and fairer society, a lot of challenges to be raised. We only hope that with our work we will make a real contribution to this struggle.

